

Appl. No. 10/668,843  
Docket No. 82410.0065 - 0B-045100US  
Response dated July 14, 2006  
Responsive to Office Action dated February 14, 2006

**General Remarks**

Claims 1, 6-11, 13-20, 25-30, 34-39 and 45-52 are pending. Claims 21-24, 31-33 and 40-44 are withdrawn as being directed to a non-elected invention. Claims 2-5 and 12 were canceled by previous amendments.

Applicants thank the Examiner for acknowledging the patentability of Claims 1, 6-10, and 16-20.

Though Applicants disagree with the pending rejections of claims 25 - 27, 34 - 39, and 45 - 48, Applicants have canceled these claims through the amendments herein in the interest of advancing prosecution of the allowed claims, and specifically without any prejudice to Applicant's right to pursue these canceled claims in one or more continuation applications. Applicants expressly reserve the right to pursue these claims at a later time.

The Examiner indicated that Claims 28-30 would be allowable if rewritten in an independent format to include all of the limitations of the base claim and any intervening claims. To this end, Applicants have added new claims 53-55 which represent claims 28 - 30, respectively, as rewritten in an independent fashion.

**Remarks Regarding Rejections under 35 U.S.C. § 102**

Claims 11, 13-14, and 49-52 stand rejected as allegedly anticipated by U.S. Patent No. 5,052,407 issued to Hauser *et. al.* (hereafter "Hauser").

**CLAIMS 11, 13-15**

Claim 11 is allowable over Hauser for at least the reason that Hauser fails to disclose "a second electrically conductive element **integrally formed with the lead body;** and a first electrical sensing element operably connected to the second electrically conductive element." The Examiner cites two passages in Hauser as allegedly disclosing this claim element, but unlike the other elements (for which the Examiner identifies with specificity the allegedly corresponding component in Hauser), the Examiner only cites the passages generally on page 3 of the Office Action:

- "a second electrically conductive element integrally formed with the lead body; and a first electrical sensing element operably connected to the second electrically conductive element (additional separate conductive surfaces and conductor to perform ECG sensing, cardiac pacing, etc., (diagnostic apparatus: col. 3, line 45-col. 5, line 14 and col. 7, lines 31-64)"

A review of the two cited passages does disclose the use of a sensor, but the sensor (25) as disclosed in Figure 6 of Hauser is entirely separate from electrode 10. Hauser teaches that "electrode pair 10, 25 could be used for morphology, sensing, along with the ECG electrodes, and a pacing tip could be provided." (Hauser, col. 5, lines 11-14).

Hauser does not disclose "**a second electrically conductive element integrally formed with the lead body;** and a first electrical sensing element operably connected

**to the second electrically conductive element.”** For at least this reason, the rejection under 102 is inappropriate, and Applicants respectfully request that the rejection be withdrawn.

Claims 13 – 15 are patentable for at least the same reasons because they depend from claim 11.

Claim 15 is patentable for at least one additional reason, namely, the fact that Examiner failed to specify any basis whatsoever for not allowing claim 15. For at least this reason, applicants request that claim 15 be indicated as allowable.

#### **CLAIMS 49-52**

Claim 49 is allowable over Hauser for at least the reason that Hauser fails to disclose “a second electrically conductive element **formed with the lead body**; and a first electrical sensing element operably connected to the second electrically conductive element.” The Examiner cites Hauser Figure 17 and col. 7, lines 1-36, but fails to identify any specific second conductive element that is operably coupled with a sensing element.

Neither this passage, nor the section discussed above, discloses “**a second electrically conductive element formed with the lead body**; and a first electrical sensing element operably connected to the second electrically conductive element.” For at least this reason, the rejection under 102 is inappropriate, and Applicants respectfully request that the rejection be withdrawn.

Claims 50 – 52 are patentable for at least the same reasons because they depend from claim 49.

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### **CONCLUSION**

Applicants request prompt reconsideration of the pending claims. Applicants submit that the application is in condition for allowance and seek allowance of all pending claims.


Applicants have included a two month extension of time request and the appropriate fee with this response. If there are any additional fees due with the filing of this document, including fees for the net addition of claims and/or any extension fees, the undersigned respectfully requests that any and all fees be charged to Deposit Account No. 50-1129. If any extension of time request or any petition is required for the entry of this paper or any of the accompanying papers, Applicants hereby petition or request the extension necessary. The undersigned authorizes any fee payment from Deposit Account No. 50-1129. If there is any variance between the fee submitted and any fee required, or if the payment or fee payment information has been misplaced or is somehow insufficient to provide payment, the Commissioner is hereby authorized to charge or credit Deposit Account No. 50-1129.

Respectfully submitted,

**WILEY REIN & FIELDING LLP**

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